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STATE SUPERINTENDENT
PUBLIC INSTRUCTION

STATE GUIDANCE

To: Child Nutrition Programs
From: Colleen Fillmore, Ph.D., R.D., L.D., Child Nutrition Programs Director
Date: June 3, 2010
Subject: Guidance for Accepting Processed Product Documentation for Meal Pattern Requirements (MPR) **Policy Memo TA-07-2010**

The purpose of this memorandum is to highlight common issues related to inaccurate or misleading product literature, product labels, and fact sheets; provide guidance about how product literature can be used to make purchasing decisions; and bring to your attention a sample Product Formulation Statement that can be used to document a product's contribution to meal pattern requirements.

Fact sheets and product labels provide a way for food manufacturers to communicate with program operators about how their products may contribute to the meal pattern requirements for meals served under USDA's Child Nutrition (CN) Programs. Complaints to the Food and Nutrition Service (FNS) about inaccurate or misleading product literature, product labels, and fact sheets have become common.

Schools are not required to offer processed products with CN Labels; however, it is important to recognize that CN Labeled products ensure that the food provides the stated contribution toward CN meal pattern requirements. These foods are also processed under a Quality Control plan administered by the Agricultural Marketing Service or National Marine Fisheries Service using guidelines provided by FNS. CN Labels are only available for items that contribute to the meat/meat alternate component and for certain 50-percent juice drinks and juice drink products.

When purchasing a processed product without a CN Label, a program operator should have a completed and signed Product Formulation Statement on manufacturers' letterhead that demonstrates how the processed product contributes to the meal pattern requirements. All CN Programs must also maintain files on nutrient information to meet the requirements of the School Meals Initiative (SMI). If there is no Nutrition Facts panel on the processed product, nutrient information must be obtained from the manufacturer.

Program operators are ultimately responsible if a menu does not fulfill meal pattern requirements; therefore they must keep records of supporting documentation (original CN product label from the product carton or signed Product Formulation Statements) provided by the manufacturers. It is the program operator's responsibility to request and verify that the supporting documentation is accurate.

General Guidance for Reviewing Product Formulation Statements

An appropriate Product Formulation Statement will provide specific information about the product and show how the credit is obtained citing CN Program resources and/or regulations. Specific policies for Alternate Protein Products and Food-based Menu Planning can be reviewed by visiting www.fns.usda.gov/cnd/cnlabeling/APPindustryfaqs.pdf.

- **Review Product Formulation Statements prior to purchasing processed products.**

Reviewer's Checklist (www.fns.usda.gov/tn/resources/smi_checklist.pdf) and an updated sample Product Formulation Statement template (www.fns.usda.gov/tn/resources/smi_appendixl.pdf) for a meat/meat alternate (M/MA) product are available in the online [Road to SMI Success](#) publication. These documents are only for products with an M/MA contribution and would need to be adapted for the various types of products available in the market place. Pizza for example, could have credit information about grains/breads and vegetables/fruits in addition to the M/MA component.

- **Determine that creditable ingredients listed in the product formulation statement match a description in the 2001 Food Buying Guide for Child Nutrition Programs (FBG) available at: www.fns.usda.gov/tn/resources/foodbuyingguide.html.** If a Product Formulation Statement for a specific product claims to provide a higher credit than what is listed in the FBG, the statement must clarify all crediting ingredients, and demonstrate how the product provides that credit according to FNS regulations, guidance, or policy.

- **Verify that the amount of credit that a product may contribute to the meal pattern requirements is not greater than the serving size of the product.** For example, a 2.2 fluid ounce (1/4 cup) frozen fruit pop or bar may not credit for more than 2.2 fluid ounces or 1/4 cup of fruit or fruit juice.

- **Assure that the Product Formulation Statement proves how the claimed credit was obtained.** It is never acceptable for a manufacturer to simply state that the product provides a certain amount of credit for the CN meal pattern. For example, fruit filled pancakes may not provide meat alternate because it is not obvious how the product contributes to the meat alternate component. In order for a product to claim a meat or meat alternate contribution, the product must have a visible meat or meat alternate present such as a sausage link, beans, cheese, or peanut butter.

FNS has become increasingly more aware of misleading and inaccurate information on product fact sheets. FNS encourages program operators to review product literature carefully since they are responsible if menus they serve do not meet meal pattern requirements. It is important to note that CN Labeled products provide program operators with a warranty against audit claims when the product is used according to the manufacturer's instructions. A Product Formulation Statement does not provide any warranty against audit claims.

In response to the complaints of misleading product information, FNS will soon begin a series of guidance documents grouped by product types which will review accurate ways to determine if a product contributes to meal pattern requirements. This series of guidance documents will provide examples based on product fact sheets that have been received by FNS. They will also indicate why the fact sheet is inaccurate and discuss the information the program operator will need to request from the company.

For further information call the Child Nutrition Division at 208-332-6820